

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ELAINE R. SMITH,	:	Case No. 3:23-cv-365
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Michael J. Newman
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
MIAMI VALLEY HOSPITAL, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

This case is before the Court upon Defendants' Motion to Strike Portions of Plaintiff's Response to Motion for Partial Summary Judgment as Violative of Stipulated Protective Order; Expedited Briefing Requested (Doc. #51).

On August 16, 2024, Defendants filed a Motion for Partial Summary Judgment and Motion to Dismiss for Lack of Subject Matter Jurisdiction. (Doc. #35). They also filed a Motion for Leave to File Video in Support of Summary Judgment under Seal Pursuant to Stipulated Protective Order.¹ (Doc. #38). On September 24, 2024, this Court granted Defendants' Motion for Leave to File Video under Seal by Notation Order. (Sept. 24, 2024 Notation Order). On September 24, 2024, the Defendants gave notice of manually filing the video footage under seal pursuant to the Stipulated Protective Order. (Doc. #48).

Shortly thereafter, on September 27, 2024, Plaintiff filed her Response to Defendants' Motion for Partial Summary Judgment and Motion to Dismiss for Lack of Subject Matter Jurisdiction. (Doc. #50). In her Response, Plaintiff detailed the contents of the videos that were

¹ On March 13, 2024, the Court entered the parties' Stipulated Protective Order. (Doc. #19).

previously marked as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and filed under seal with the Court. *Id.* at 744-45, 747-48.

Defendants contend that the description of the video contained in Plaintiff’s Response violates the Stipulated Protective Order (Doc. #19). (Doc. #51, *PageID* #845). Defendants request that the Court either strike the portions of Plaintiff’s Response that violate the Stipulated Protective Order or seal the entire filing. *Id.*

For good cause shown, the undersigned **GRANTS** Defendants’ request to seal Plaintiff’s Response to Defendants’ Motion for Partial Summary Judgment and Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. #50). Accordingly, the Clerk of Court is **DIRECTED** to seal Plaintiff’s Response to Defendants’ Motion for Partial Summary Judgment and Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. #50).

IT IS SO ORDERED.

October 1, 2024

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.

United States Magistrate Judge